

1 PHILLIP A. TALBERT
2 United States Attorney
3 CAMERON L. DESMOND
4 Assistant United States Attorney
5 501 I Street, Suite 10-100
6 Sacramento, CA 95814
7 Telephone: (916) 554-2700
8 Facsimile: (916) 554-2900

9
10
11 Attorneys for Plaintiff
12 United States of America

13
14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA, Plaintiff,
18 v.
19 JUAN PICASO, Defendant.

20 CASE NO. 2:22-CR-00162-JAM
21 STIPULATION REGARDING EXCLUDABLE
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;
23 FINDINGS AND ORDER
24 DATE: January 24, 2023
25 TIME: 9:00 a.m.
26 COURT: Hon. John A. Mendez

27
28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status on January 24, 2023.

32 2. By this stipulation, defendant now moves to continue the status conference until March
33 28, 2023, at 9:00 a.m., and to exclude time between January 24, 2023, and March 28, 2023, under Local
34 Code T4.

35 3. The parties agree and stipulate, and request that the Court find the following:

36 a) The government has represented that the discovery associated with this case
37 includes multiple reports, dozens of Spanish recordings, and photographs. The government
38 produced initial discovery on September 30, 2022, and after obtaining a protective order,
39 produced the Spanish recordings on October 19, 2022.

111

b) Counsel for defendant desires additional time to review the new discovery, meet with his client, conduct independent factual investigation, and otherwise prepare for trial.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 24, 2023 to March 28, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

[CONTINUED ON NEXT PAGE]

1
2 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
3 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
4 must commence.

5 IT IS SO STIPULATED.

6
7 Dated: January 20, 2023

PHILLIP A. TALBERT
United States Attorney

8
9
10 /s/ CAMERON L. DESMOND
11 CAMERON L. DESMOND
12 Assistant United States Attorney

13 Dated: January 20, 2023

14 /s/ Timote Tuitavuki
15 Timote Tuitavuki
16 Counsel for Defendant
17 JUAN PICASO

18
19
20 **FINDINGS AND ORDER**

21 IT IS SO FOUND AND ORDERED this 20th day of January, 2023.

22
23
24
25
26
27
28 /s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE